

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION**

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

**Seau, et al. v. National Football League et al.,
No. 13-cv-01531-AB**

REQUEST FOR STATUS CONFERENCE PURSUANT TO FRCP 16

The Seau family hereby requests that the Court schedule a status conference in their action, as soon as possible, pursuant to Federal Rule of Civil Procedure 16.

It has now been four year since the Seau family filed their lawsuit in San Diego Superior Court, seeking justice and recovery for their unique individual claims stemming from the death of their father, Tiaina B. Seau, Jr. ("Junior Seau"). Since that time, almost nothing has occurred in their action. Instead, they have waited patiently though the lengthy resolution of a class action in which they never wished to participate and that did not address their claims. The Seaus are ready and eager to finally be able to move forward with their unique action, including their statutory claims under California law for wrongful death. Therefore, they request a status conference pursuant to Federal Rule of Civil Procedure 16 to discuss the issues relevant to their litigation. These include 1) the status of the NFL's previous motion to dismiss and further briefing to address the Seau's unique preemption arguments and the relevant case law that has developed since completion of the briefing; 2) alternately, remand of the Seau family's claims to the Southern District of California now that the class action settlement has been resolved. A status conference, either in person or via telephone, will permit the Seaus to address these issues jointly with Defendants and the Court.

Dated: January 23, 2017

RESPECTFULLY SUBMITTED:

/s/ Steven M. Strauss

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CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing document to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

Dated: January 23, 2017

/s/ Steven M. Strauss
Steven M. Strauss

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